

August 2, 2019

BY CM/ECF

The Honorable Cheryl L. Pollak
United States Magistrate Judge
United States District Court
for the Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: ***Toussie v. Allstate Insurance Company*, Case No. 1:15-cv-5235-ARR-PK**

Dear Magistrate Judge Pollak:

We represent Defendant Allstate Insurance Company (“Allstate”) in the above-referenced case. Today Judge Ross affirmed in all respects Your order requiring the production of the Plaintiffs’ redacted tax returns and interrogatory responses. (Dk. 305.) Because Judge Ross did not set a new date for compliance with your order, however, Allstate respectfully requests that the Court order the redacted tax returns to be produced today, August 2, 2019, and for sworn interrogatory responses to be served by 5:00 p.m. on Monday August 5, 2019.

Allstate made its original motion to compel this material exactly one year ago, on August 2, 2018. (Dk. 225.) The delay and other misconduct by the Plaintiffs in refusing to provide this discovery has been egregious, and the parties need to complete discovery in this case without further delay. In requesting the above tight deadlines, Allstate understands that the documents to be produced are readily accessible to Plaintiffs (but not Allstate) as docket entry 299, and can easily be produced by Plaintiffs today (other than the belatedly submitted material currently awaiting *in camera* inspection). Likewise, given the amount of time spent litigating these issues, Plaintiffs should be very familiar with their tax returns and calculations, and able to produce sworn interrogatory responses in three days.

Respectfully submitted,

/s/ Brendan E. Zahner

cc: All parties of record (via ECF)